

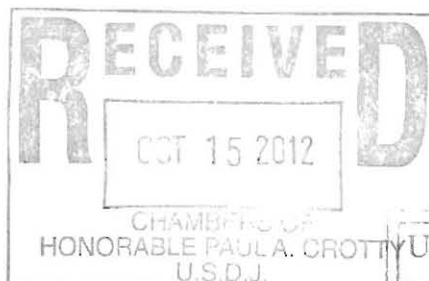


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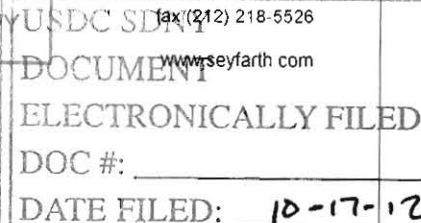
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October 12, 2012

VIA HAND DELIVERY

The Honorable Paul A. Crotty
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Voelker v. Deutsche Bank AG, 11-CV-6362

Dear Judge Crotty:

This firm represents defendant Deutsche Bank Securities Inc. ("Defendant") in the above-referenced matter. We apologize for burdening the Court with what amounts to a trivial matter, but feel compelled to seek the Court's guidance on a scheduling issue.

In preparing a Civil Case Management Plan And Scheduling Order ("CCMP") for submission to the Court, the parties reached an impasse regarding the date by which Defendant must produce electronically stored information ("ESI"). During the October 2, 2012 conference, counsel for Defendant understood that Your Honor ordered the production of all responsive non-privileged documents yielded by use of the ESI search terms previously agreed to by the Parties by November 12, 2012, which is thirty days after submission of the CCMP and consistent with the other discovery dates proposed in the CCMP, all of which are based on the date the CCMP is filed. Counsel for Plaintiff understood that Your Honor ordered the production of those documents by November 1, 2012, which is thirty days after the October 2, 2012 conference.

Because the Parties have differing recollections of Your Honor's direction, we attempted to resolve this issue with Plaintiff's counsel by agreeing to submit a joint letter to the Court offering two versions of the CCMP, one with Plaintiff's proposed date and the other with Defendant's proposed date. To that end, we submitted proposed language to Plaintiff's counsel and asked to see a draft of the joint letter prior to submission. Plaintiff's counsel informed us that, although they were in possession of our proposed language, they would not let us see their proposed language or, in fact, the final version of the letter until *after* submission. In a further attempt to resolve this issue, we also offered to "split the difference" and have the ESI documents be due on November 5, 2012. That offer was rejected. Accordingly, enclosed please

10/17/2012

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find Defendant's proposed CCMP, which mirrors Plaintiff's version in all respects except for the due date for the ESI discovery discussed above.

Respectfully submitted,

SEYFARTH SHAW LLP

s/
Jeremi L. Chylinski

cc: Douglas Wigdor, Esq.
Cliff Fonstein, Esq.